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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,342	06/29/2000	George Robert Hood	9008	8873

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EXAMINER

RUDY, ANDREW J

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 02/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,342

Applicant(s)

HOOD

Examiner

Andrew Joseph Rudy

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-65 are pending.
2. The specification is objected to as pages 1-2 reference incomplete related applications. Further, on page 21, line 3 the acronym "SQL" is not defined. No new matter may be entered.

Claim Rejections - 35 USC § 103

3. Claims 1-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquis (Profitability: Growing the bottom line) in view of Corlett et al, United States Patent No. 6,253,192 (Corlett).

Marquis discloses using software to determine profitability of individual customers.

Corlett discloses using a database accessed by a computer in a method of financial planning related to an individual's income, expenses, assets and liabilities. Also, risk factors dealing with unplanned future financial situation are discussed. Indirect expenses are deemed within the orbit of terms disclosed by Corlett.

To provide Marquis to include an individual's income, expenses, assets and liabilities along with risk factors to perform financial processing profitability analysis would have been obvious to one of ordinary skill in the art in view of Corlett.

The descriptive language relating to profit and the attendant automatic calculations to achieve the same result of Marquis, in view of Corlett, does not rise to the level of patentable subject matter. See, *In re Venner*, 262 F.2d 91,95, 120 USPQ 93, 94 (CCPA 1958).

The various well known terms, e.g. profit, indirect expenses, apportionment, used throughout applicant's claim language are deemed met by Marquis, in view of Corlett. The terms used are well known terms used within the financial art and are not deemed to distinguish over either reference. Applicant is not inventing a financial processing in a computer that is new or unobvious as the five factor profitability calculations are not deemed new terms in the art.

With regards to claims 23-42, logic is not a term that defines over either Marquis or Corlett. As to claims 44-65, the article of manufacture would be inherent from the combination of references and is not deemed patentable in view of Marquis and Corlett.

4. Further references of interest:

Scott et al., United States Patent Number (USPN) 6,292,787, shows a risk portfolio management system.

Berka, USPN 6,275,813, shows a method for posting financial transactions using four categories.

Frank et al., USPN 6,240,399, shows an investment optimizing system.

Levine et al., USPN 6,233,566, shows a computer program for an online financial trading system.

Gugel et al., USPN 6,085,175, shows estimating value at risk.

Irving et al., USPN 5,991,743, shows a system for monitoring risk.

Garman, USPN 5,819,237, shows a system for determining value at risk.

Atkins, USPN 5,911,135, shows a system for monitoring financial accounts using a mathematical program.

Foley, USPN 5,249,120, shows a automated system for manufacturing cost estimation.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday through Friday, 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on 703-308-2183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

February 11, 2002



Richard Chilcot
Supervisory Patent Examiner
Technology Center 2850

2/6/02